

## Message Text

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PAGE 01 BUENOS 04813 292056Z  
ACTION SCSE-00

INFO OCT-01 ARA-14 ISO-00 L-03 SCA-01 H-02 DHA-02  
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FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC PRIORITY 1143

UNCLAS BUENOS AIRES 4813

E.O. 11652: N/A

TAGS: CARR

SUBJECT: LEGAL REPRESENTATION AVAILABLE TO AMERICANS  
ARRESTED ABROAD

REF: STATE 147704

1. ARREST CASES IN ARGENTINA FALL INTO TWO BROAD CATEGORIES: THOSE CASES INVOLVING SUBVERSION IN WHICH STATE-OF-SIEGE REGULATIONS APPLY AND THOSE INVOLVING QUOTE COMMON CRIMES UNQUOTE THAT ARE PROCESSED UNDER NORMAL JUDICIAL PROCEDURES. CASES INVOLVING SUBVERSION ARE SOMETIMES REFERRED TO THE COURTS FOR RESOLUTION.

2. LEGAL SERVICES FOR PERSONS HELD UNDER STATE-OF-SIEGE ARE NOT REQUIRED SINCE THE DETERMINATION OF INNOCENCE OR GUILT IS MADE ADMINISTRATIVELY AND DOES NOT INVOLVE THE JUDICIAL APPARATUS. AS THERE IS NO OPPORTUNITY TO DEFEND ONESELF, RETENTION OF A LAWYER IN THESE CASES WOULD BE SUPERFLUOUS.

3. IN CASES NOT INVOLVING CHARGES OF SUBVERSION:  
A. PUBLIC DEFENDERS ARE PROVIDED GRATIS TO THOSE PRISONERS WHO ARE UNABLE TO AFFORD PRIVATE COUNSEL.  
B. SUCH LEGAL REPRESENTATION IS READILY AVAILABLE; EACH COURT HAS A PUBLIC DEFENDER PERMANENTLY ASSIGNED.  
C. THE QUALITY OF PUBLIC FUNDED LEGAL ASSISTANCE IS GENERALLY GOOD IN CASES THAT DO NOT INVOLVE SUBVERSIVE CHARGES.

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4. IN THOSE FEW CASES IN WHICH SUBVERSION IS ALLEGED THAT ARE REFERRED TO COURTS, THE QUALITY OF LEGAL ASSISTANCE IS POOR. FEW LAWYERS ARE WILLING TO RISK THE WRATH OF EXTREMIST GROUPS TO PROVIDE AN ADEQUATE DEFENSE.

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